

STATE OF SOUTH CAROLINA)
)
COUNTY OF CLARENDON)
)
THE STATE,)
)
-vs-)
)
JOHN ALLEN WELCH, JR,)
)
)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS

RECEIVED
JUL 03 2023
SC Court of Appeals

ORDER

Indictment Number: 2022-GS14-0225
Indictment Number: 2022-GS14-0226


The Defendant seeks an Order of this Court for a Judgment of Acquittal or in the alternative for Reconsideration of Sentence. The Defendant was convicted by a of two counts of Criminal Sexual Conduct with a Minor in the Second Degree on March 22, 2023. The Court sentenced the Defendant to concurrent sixteen year sentences.

Rule 29(a) of the South Carolina Rules of Criminal Procedure grants the trial judge discretion to decide post-trial motions upon briefs filed by the parties without oral argument. Pursuant to Rule 29 (a), this Court determines that these motions will be decided on briefs filed by the parties and without oral argument.

Upon review of the briefs submitted by the parties, the Court respectfully denies the Defendant's Motion for Judgment of Acquittal and Motion for Reconsideration of Sentence. In this case, the victim testified about multiple instances of sexual battery by the Defendant that occurred while she was fourteen and fifteen years of age. The jury also considered text messages between the victim and defendant which corroborated the victim's testimony regarding their relationship. The sexual battery was reported to law enforcement long after the sexual battery ended.

The jury considered the testimony of the victim, along with other evidence presented by the State. The lack of physical evidence was presented to the jury. The jury found the evidence presented by the State credible. Granting a motion for a Judgment of Acquittal would require the Court to weigh the evidence, which is the role of the trial jury.

The Court also denies the motion for Reconsideration of Sentence. The Defendant was sentenced to less than the maximum sentence on each indictment. The sentences will run concurrently. The sentences were proper considering the crimes for which the Defendant was convicted.



R. Kirk Griffin
Presiding Judge

Sumter, SC
May 4, 2023